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Intellectual Property Causes
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Attorney Docket No. P24606

In re application of: R. Jun MIZUKO

Application No. : 10/784,308

Filed : February 24, 2004

For : CONFOCAL PROBE

Mail Stop Amendment
 Group Art Unit: 2878

Examiner: S.B. Allen

Mail Stop Amendment

Commissioner for Patents
 U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Sir:

Transmitted herewith is an **Election with Traverse** in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☐ A Request for Extension of Time.

☐ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 26	*26	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 5	**5	0	x 44=	\$	x 88=	\$0.00
Multiple Dependent Claims Presented			+150=	\$	+300=	\$0.00
Extension Fees for ____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

* If less than 20, write 20

** If less than 3, write 3


☐ Please charge my Deposit Account No. 19-0089 in the amount of \$ ____.

☐ A check in the amount of \$ ____ to cover the *filing/extension* fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).


 Daniel B. Moon
 Bruce H. Bernstein
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 Reg. No. 48,214



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Rogerio Jun MIZUKO

Group Art Unit: 2878

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RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In response to the Examiner's restriction requirement dated January 12 2006, setting a one month period for response extending until February 13, 2006 (February 12, 2006 being a Sunday), Applicant elects, with traverse, the invention identified by the Examiner as Group I. Claims 1-22 and 26 are considered to be "readable" on the invention of Group I (as set forth by the Examiner).

Applicant respectfully traverses the Examiner's restriction requirement.

The Examiner has characterized the relationship between the inventions of Groups I (claims 1-22 and 26) and II (claims 23-25) as that of "subcombinations disclosed as usable together in a single combination". Further, the Examiner has stated in the restriction requirement that the invention of Group I has separate utility, such as in any environment where the target is monitored or measured.